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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

E.K. WADE,	)	No. C 08-00001 MJJ
	)	No. C 08-00021 MEJ
Plaintiff,	)	
	)	
v.	)	<b>ADMINISTRATIVE MOTION TO</b>
	)	<b>CONSOLIDATE CASES AND</b>
ELAINE CHAO, SECRETARY OF	)	<b>[PROPOSED] ORDER</b>
LABOR, ET AL.	)	
	)	
Defendant.	)	
	)	
	)	

On December 28, 2007, this Court dismissed the action of *E.K. Wade v. Elaine Chao*, 06-4725 MJJ and gave plaintiff leave to file a new complaint. On January 2, 2008, Plaintiff filed the new complaint *E.K. Wade v. Elaine Chao, et al.*, CV-08-00001 PJH. On January 17, 2008 the court issued an order reassigning case No.CV-08-00001 PJH to the Honorable Martin Jenkins.

However, on January 3, 2008, Plaintiff also filed the new complaint *E.K. Wade v. Elaine Chao et al.*, CV-08-0021 MEJ. Because both complaints (CV-08-00001 and CV-08-00021) involve the same parties, facts and circumstances, and because this Court has previously ordered that all actions against the Secretary of Labor be consolidated into one complaint,

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1 the Federal Defendants request the Court to order plaintiff to consolidate all allegations against  
2 *Elaine Chao et al.* into a single Fifth Amended Complaint.

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4 Respectfully submitted,

5 JOSEPH P. RUSSONIELLO  
6 United States Attorney

7 /s/

8 Dated: February 4, 2008

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MELISSA K. BROWN  
Assistant United States Attorney

**ORDER**

12 The Court, having considered the briefing of the parties, orders that plaintiff's complaint  
13 for damages filed on January 3, 2008 – be consolidated into plaintiff's Fifth Amended Complaint  
14 to be filed in the C 08-00001 MJJ case. Once the complaints have been consolidated, plaintiff  
15 shall dismiss the C 08-00021 MEJ complaint with prejudice. The United States Attorney's Office  
16 will accept service of the new complaint and will file a responsive pleading within 60 days of  
17 service of the new complaint.

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20 DATED: \_\_\_\_\_

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HONORABLE MARTIN J. JENKINS  
U.S. DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**ADMINISTRATIVE MOTION TO CONSOLIDATE CASES**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

☐ **PERSONAL SERVICE (BY MESSENGER)**

☐ **FEDERAL EXPRESS**

☐ **FACSIMILE (FAX)** Telephone No.: See Below

to the party(ies) addressed as follows:

E.K. Wade 542 North Civic Drive, Apt. D Walnut Creek, CA 94597		
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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 4, 2008 at San Francisco, California.

/s/  
MANIK BOWIE  
Legal Assistant